

DOCKET FILE COPY ORIGINAL
BOAT OWNERS ASSOCIATION OF THE UNITED STATES

Washington National HQ, 880 S Pickett Street, Alexandria, VA 22304
Phone 703-461-2864 Fax 703-461-2845
www.BoatUS.com GovtAffairs@BoatUS.com

December 1, 2003

REFERENCE: Public Notice DA 03-3585
RM number: RM-10821

Office of the Secretary
Federal Communications Commission
445 12th St. SW, TW-35
Washington, DC 20554

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Federal Communications Commission
Office of the Secretary

Dear Office of the Secretary:

On behalf of the 550,000 members of the Boat Owners Association of The United States (BoatU.S.), we concur with and support the U.S. Coast Guard's position on the Maritel, Inc., Petition for Rulemaking Regarding the Use of Maritime VHF Channels 87B and 88B (Nov. 7, 2003).

We are very concerned about the loss of the last available internationally-interoperable and recreational-vessel interoperable VHF spectrum in the United States. While it may appear that the issue of AIS is of a commercial vessel nature, all mariners — including recreational boaters — could be negatively affected if the petition succeeds. These VHF channels are essential to port security and maritime safety and allowing a third party to control these frequencies and profit from them is not in the best interest of the government, its citizens, or mariners.

Thank you for the opportunity to comment.

Sincerely,



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Elaine Dickinson
Asst. Vice President
Boat Owners Association of The United States

CC: Qualex International, Inc., Portals II, 445 12th St. SW, Room CY-B402,
Washington DC 20554

Maria Ringold, FCC, Consumer and Governmental Affairs Bureau,
Reference Information Center (RIC), 445 12th St. SW, Room CY-B529, Washington DC, 20554

Tim Maguire, FCC, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, 445 12th St. SW, Room 4-C342, Washington DC, 20554

Jeffrey Tobias, FCC, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, 445 12th St. SW, Room 4-C828, Washington DC, 20554



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BoatU.S. Chairman & Founder



Government and Public Affairs
Washington National Headquarters
880 South Pickett Street
Alexandria, VA 22304
703-461-2864 Fax: (703) 461-2845
www.BoatUS.com

December 11, 2003

Office of the Secretary
Federal Communications Commission
445 12th St. SW, TW-35
Washington, DC 20554

REFERENCE:
Public Notice DA 03-3585
RM number: RM-10821
Docket Item DA-03-3669

Dear Sir:

As an organization that has represented the interests of recreational boaters for some 38 years, Boat Owners Association of The United States (BoatU.S.), has some major concerns about the most recent petition by Maritel to retain control of public maritime frequencies and coordinate the AIS requirements under the Maritime Security Act.

For over five years I have served as the recreational vessel committee chair for the GMDSS Implementation Task Force of the U.S. Coast Guard. BoatU.S. has watched closely as Maritel's plan to build a nationwide marine phone network was developed, marketed and subsequently folded. The Maritime Mobile Service Identity (MMSI) service they also offered has been suspended.

We support the positions taken by the GMDSS Task Force, RTCM and the NTIA in strongly opposing Maritel's request to take over the AIS implementation, charge user fees and issue MMSIs for a fee. This new set of AIS requirements is mandated by the federal government and should be managed and enforced by the federal government.

The fee structure proposed by Maritel is inappropriate. We do not feel it's in the public interest, especially given the homeland security ramifications. The entire project should be subject to the federal bidding and procurement process. This would ensure equal competition for the work and likely a more equitable result for mariners, who, under this proposal would be subject to a for-profit monopoly.

BoatU.S. by contrast, was the first organization to develop, in cooperation with the FCC and Coast Guard, a reliable program for issuing MMSIs to the boating public, free of charge, as a public service. To date we have registered over 12,000 recreational (non-licensed) vessels and our database is downloaded weekly to the Coast Guard. The investment BoatU.S. had made in a free MMSI service is substantial. We believe it's important because the viability of the SAR database to boating safety is paramount to us. We believe a free MMSI service should remain the standard for any future programs that would involve recreational vessels.

BoatU.S. has a long history of seeing fee structures on the boating public come and go. All of them have been legally mandated by a government entity. In this case, it is unclear whether a

private company has legal authority to impose a fee on boat owners without congressional action. Maritel's proposed fees would likely be subject to a legal challenge if approved. It's also important to note that we have rarely seen a fee that, once approved, did not eventually increase. There should be real concern that Maritel's fees could go up substantially, once approved.

Given their past track record of not producing viable programs as promised, we do not have confidence in Maritel's ability to take over a complex program as AIS. While recreational vessels are not currently included in the AIS requirements, there is a possibility that certain non-commercial vessels will be included at a future date. Maritel's fees would certainly be a problem for those boat owners and would negatively impact compliance by private citizens.

On behalf of our 550,000 members, we believe Maritel's request to become AIS frequency coordinator, issue MMSIs and charge fees should be turned down by the FCC in the best interests of the boating and maritime public.

Since these matters are of concern to the boating public at large we suggest that they receive better public notice in the form of *Federal Register* notices. Numerous other organizations that will be affected by these rulings are not aware of the petitions and the short comment periods are making it difficult for all parties to register comments.

Thank you for allowing us to share our comments with you and let me know if you have any questions or need additional information. This letter is being faxed to Jeff Tobias and e-mailed to both he and Tim Maguire on December 11, 2003.

Sincerely,



Elaine Dickinson

Assistant Vice President
Boat Owners Association of The United States

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